Security Council

Sixty-fourth year

Provisional

6248th meeting

Thursday, 17 December 2009, 10.35 a.m.
New York

President:	Mr. Kafando	(Burkina Faso)
Members:	Austria	Mr. Mayr-Harting
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Urbina
	Croatia	Mr. Vilović
	France	Mr. Araud
	Japan	Mr. Takasu
	Libyan Arab Jamahiriya	Mr. Shalgham
	Mexico	Mr. Heller
	Russian Federation	Mr. Churkin
	Turkey	Mr. Apakan
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice
	Viet Nam	Mr. Bui The Giang

Agenda

The situation in the Middle East, including the Palestinian question

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The meeting was called to order at 10.35 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

The President (*spoke in French*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Robert Serry, Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General.

It is so decided.

I invite Mr. Serry to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Robert Serry, to whom I give the floor.

Mr. Serry: As 2009 draws to a close, Israeli-Palestinian negotiations are yet to resume, confidence between the parties remains low, facts continue to be created on the ground, tensions persist in Jerusalem, and the actions of both Hamas and Israel are not contributing to the stability and welfare of Gaza. Even the genuine progress taking place in parts of the West Bank runs in parallel with negative trends.

We are in a race against time to overcome the contradictions on the ground and the crisis of confidence between the parties, and move decisively towards a political endgame. Israel must do more in that regard, by implementing Road Map commitments, including on settlements, easing measures which stifle the Palestinians, and being prepared unambiguously to negotiate and resolve all core issues in a fixed time frame, including Jerusalem.

The Palestinians need to play their part, too, by engaging constructively on efforts to bring about resumed negotiations in earnest and continuing to advance their important State-building project. The situation in Gaza needs to be addressed with an end to the blockade and a period of calm and responsible steps from all concerned. The region and the Quartet need to work together, without delay and with united purpose, to support that agenda over the crucial months ahead.

On 26 November, Israeli Prime Minister Netanyahu announced that Israel would restrain certain settlement activity by temporarily freezing new construction permits and starts for a period of 10 months. Prime Minister Netanyahu described the decision as designed to "encourage resumption of peace talks with our Palestinian neighbours". Teams of Israeli inspectors have been visiting settlements to ensure compliance with the Cabinet decision, facing protests from settler groups.

Under the terms of the announcement, construction already under way on over 3,000 units and on public buildings will continue, as evidenced by the approval of a further 28 public buildings in settlements. The restraint does not apply to settlement activity in the Israeli-determined municipal boundaries of East Jerusalem. In addition, on 13 December the Cabinet granted additional budget allocations to some 110,000 settlers, many living in isolated settlements deep in the West Bank.

The policy announced by Prime Minister Netanyahu is a step beyond previous Israeli Government positions and has not come without domestic political challenges. We will follow closely the impact of the decision on the ground, and it must be hoped that it contributes to forward movement.

However, particularly as regards East Jerusalem, the policy falls considerably short of Israel's commitments under the Road Map to freeze all settlement activity, including natural growth, and to dismantle outposts erected since March 2001. I reiterate the Secretary-General's and the Quartet's calls on Israel to implement its Road Map obligations. Settlement activity is illegal under international law and unilateral actions on the ground prejudicing final status issues will not be recognized by the international community.

On the Palestinian side, the inability to hold elections decreed for 25 January 2010 has further deepened the internal crisis. This has presented new challenges for the institutions of the Palestinian Authority, in a context where President Abbas has confirmed his decision not to stand in any future elections.

In that extraordinary situation, the Palestinian Liberation Organization (PLO) Central Council

convened on 15 and 16 December and resolved that the terms of the Palestinian Authority presidency and the Legislative Council should be extended until elections can be held, as soon as possible in 2010. The PLO Central Council resolved to meet again in 2010, and we continue to hope that it will be possible to hold free and fair elections throughout the occupied Palestinian territory.

President Abbas has indicated his readiness to continue to serve until elections, and restated his commitment to a negotiated two-State solution and his rejection of violence. He has called for a full Israeli settlement freeze in accordance with the Road Map in order to resume negotiations.

Significant and urgent improvements on the ground are needed if the two-State agenda is to be sustained and advanced. The Palestinian Authority must continue its efforts to meet its Road Map obligations, and Israeli-Palestinian cooperation to enable security and economic performance must be further developed. I underscore the full political and programme support of the United Nations for the Palestinian Authority's agenda, and I was pleased to welcome Palestinian Prime Minister Fayyad to participate in the United Nations country team retreat in Bethlehem to plan United Nations activities for 2010.

Palestinian security forces have continued exercising their important security responsibilities, often at risk. On 26 November, the residence and vehicle of the Deputy Mayor of Nablus were riddled with bullets by unknown assailants. A fifth battalion of newly trained Palestinian security forces is due to be deployed in a West Bank city before the end of the year.

Israel needs to build on previous steps in the economic and security fields with a range of further measures, including a reduction of incursions into Palestinian areas, facilitation of Palestinian development in Area C, and a further easing of closures, which currently number approximately 575 obstacles to movement across the West Bank.

Citing security concerns, Israeli forces arrested 172 Palestinians and injured 27 others in 64 operations in the West Bank, and two explosive devices were defused near the settlement of Beit El on 3 December. Six members of the Israeli security forces were injured.

Palestinian, Israeli and foreign protesters continued demonstrating against the barrier built in occupied territory contrary to the advisory opinion of the International Court of Justice, mostly in Nil'in and Bil'in villages, and there have been clashes with Israeli security forces.

Settler attacks against Palestinian civilians, property and places of worship have continued, some in the context of the so-called price tag policy to protest the Israeli Government's settlement restraint announcement. There were 33 violent incidents between settlers and Palestinians. Tensions further increased on 10 December, when a group of settlers set fire to the mosque in Yassuf village, in a deplorable desecration of a place of worship. Israel continues to fall short in imposing the rule of law on such violent extremists, and this issue must be addressed. I welcome the strong condemnation of the mosque attack by the Israeli Government and I urge the authorities to seek out those responsible for this incident, along with other such acts of violence, and bring them to justice.

The situation in Jerusalem remains tense and makes prospects for successful negotiations more difficult. Palestinian institutions remain closed, contrary to the Road Map. There are concerning reports of increased revocation of the identity cards of Palestinians from East Jerusalem. Provocative actions continue in sensitive neighbourhoods such as Silwan and Sheikh Jarrah, where many properties remain under threat of demolition.

On 1 December, pursuant to an order of the Israeli court, a group of armed Israeli settlers escorted by Israeli security forces entered and took control of part of a Palestinian home in Sheikh Jarrah, claiming ownership of the building. The United Nations efforts to persuade the Israeli authorities to apply a moratorium on demolitions and evictions and to cease installing settlers in Palestinian neighbourhoods have so far not been heeded. I have taken careful note of reports that Prime Minister Netanyahu has appointed a focal point to oversee decisions on these matters. I hope that this step signals an intention for Israel to take this issue in hand in a positive manner. Jerusalem remains a final status issue, and a way must be found through negotiations to resolve the status of Jerusalem as the future capital of two States.

A different approach is needed to the situation in Gaza, grounded in resolution 1860 (2009). During the reporting period, imports were at approximately a quarter of the level prior to the imposition of the blockade after the Hamas takeover in mid-2007, which

represents a decline on the last reporting period. Food and hygiene items continue to constitute the vast bulk of goods allowed into the Strip, although there was an increase in the amount of cooking gas allowed in. The Gaza Strip remains closed to exports of its agricultural products, with the exception of one truckload of flowers allowed out of the Strip during this reporting period.

The lack of fuel for the Gaza power plant and a shortage of materials to repair damaged electricity infrastructure leave the majority of the population of Gaza subject to rolling electricity blackouts. It is essential that Israel increase the quantity and quality of supplies through the crossings, including to meet urgent winter needs in accordance with United Nations requests. Discussions on this issue are ongoing with the Israeli authorities, and we hope that approval followed by swift entry of winterization materials will take place in the coming days.

Beyond immediate humanitarian needs and measures for the winter, I regret that the Israeli authorities have not provided a satisfactory response to the United Nations proposal to complete stalled projects of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and United Nations Development Programme for housing, schools and health facilities. On a recent visit to Gaza, I visited one of these projects. It is painful to see a project that is 70 per cent complete and needs only the remaining materials to be completed to provide housing for several hundred families.

The Gaza business community expressed its frustration that legitimate commerce has been destroyed by the blockade. Smugglers and militants control commodities flowing through tunnels, with attendant revenues reaching Hamas. The blockade is unacceptable and counterproductive, and must end. Normal economic life must be restored for the civilian population, half of which is under the age of 18.

I do not overlook legitimate Israeli concerns regarding the situation in Gaza. We continue to be concerned at reports of the continued smuggling of weapons into the Gaza strip. According to the Israeli authorities, an S-5K rocket was fired on 5 December. We continue to note the efforts of Egypt to increase security along the border, including seizing a truck loaded with a ton of explosives on 23 November, the installation of sensor equipment, and actions taken to close down tunnels.

During the reporting period, however, violence was at a comparatively restrained level. Ten rockets and mortars were fired by Palestinian militants towards Israel, although there were no reports of injuries or damage. Four alleged Palestinian militants were injured by an Israeli air strike on 27 November, and a Palestinian man died on 12 December after being shot by Israeli forces near the border area. Despite these worrying incidents, it is our assessment that neither side is seeking escalation. There are possibilities for a sustained calm if wisdom and restraint prevail.

Efforts continue to secure the release of Israeli Corporal Gilad Shalit, along with a number of the more than 9,000 Palestinian prisoners in Israeli jails, and as the United Nations we continue to be supportive of these efforts with all concerned. We urge both Israel and Hamas not to miss the current opportunity and resolve this issue.

The great majority of the 750 students seeking to leave Gaza to study abroad remain in Gaza. Within Gaza, there have been new measures imposed by Hamas on Gazans trying to pass through the Erez crossing into Israel. Civil society organizations and non-governmental organizations have been the targets of what appear to be politically motivated burglaries for which no culprits have been held responsible, despite the total security control of the de facto authorities. We take note that on 26 November, 150 prisoners from all political factions were released in Gaza on the occasion of the Eid al-Adha holiday.

As the de facto authorities on the ground, Hamas must act with responsibility towards the population. Hamas should also work more constructively under Egyptian auspices, on the basis of Egypt's proposal for national reconciliation.

In addition to my regular consultations with the Israeli Government, I visited Syria on 9 December to discuss the prospects for a resumption of the Israeli-Syrian track. Important work has been done on this file in previous efforts, including under Turkish auspices during 2008, and this progress should be built upon. We support all efforts in this regard as part of our commitment to a comprehensive regional peace.

On the ground, the situation in the occupied Syrian Golan remains stable, although settlement activity continues. I draw to the Council's attention the fact that a Knesset bill requiring a certain majority of Knesset members, or a referendum, to approve the

return of any territory in the Golan Heights or East Jerusalem passed its second reading on 9 December. A further reading is required, but if passed this bill could make any future territorial return more complex.

Turning to Lebanon, on 10 December, and following a three-day debate, Lebanon's Parliament formally expressed its confidence in Prime Minister Hariri's Government, which has now officially assumed its functions. The vote of confidence saw 122 out of a total of 128 members of Parliament express their support. The parliamentary vote followed the adoption by the Council of Ministers on 2 December of the new Government's Ministerial Statement, which outlines the Cabinet's programme of work. In the Ministerial Statement, the new Government of Lebanon affirms its commitment to the implementation of Security Council resolution 1701 (2006) "in all its aspects". The Cabinet also affirms its exclusive right to decide over war and peace, and envisages the extension of the Government's authority over all Lebanese territory.

Following the parliamentary vote of confidence, Prime Minister Hariri paid his first official visit to the Kingdom of Saudi Arabia before travelling to the climate change summit in Copenhagen, where he met with the Secretary-General. President Sleiman undertook a trip to the United States, where he reiterated Lebanon's commitment to the full implementation of resolution 1701 (2006).

The situation in the area of operations of the United Nations Interim Force in Lebanon has remained quiet. However, air violations have continued on an almost daily basis.

In conclusion, in recent briefings we have warned of the danger of a political vacuum. If we cannot move forward towards a final status agreement, we risk sliding backwards, both with the Palestinian Authority and with the two-State solution itself imperilled. In my meeting with United States Special Envoy Mitchell in Washington earlier this week, I was reassured of President Obama's determination to work not only for the early resumption, but also for the early conclusion, of negotiations, as called for by the Quartet, as well as a comprehensive approach to peace.

The Secretary-General believes that a revitalized Quartet must play its full role in urgently advancing a common agenda in the crucial few months ahead. He remains committed to an end to the occupation and an end to the conflict, through the creation of a Palestinian State living side by side with Israel in peace and security, and comprehensive regional peace, in accordance with Security Council resolutions, previous agreements, the Road Map and the Arab Peace Initiative.

The President (*spoke in French*): I thank Mr. Serry for his briefing.

I shall now give the floor to members of the Council wishing to make statements.

Mr. Shalgham (Libyan Arab Jamahiriya) (*spoke in Arabic*): After two years as a member of the Security Council, I wish to take the floor at today's meeting, as it is the last on the Palestinian question that my delegation will be participating in as a member. I wish to assess the way in which the Security Council has dealt with this issue.

We have participated in the work of the Security Council with good intentions and a positive attitude. Sometimes, we have even given up our positions of national principle in order to make progress in the Council's work because of words we often hear in the Council: "peace" and "final solution".

However, let us stop to consider the situation in Palestine and Israel. Last year, in 2008, after Israel had carried out a widespread attack on Gaza — Operation Cast Lead — and used white phosphorus, banned under international law, killing some 1,500 civilian and destroying United Nations facilities, the Council adopted resolution 1860 (2009). What happened after that? The siege continues.

At the request of the Secretary-General, the Board of Inquiry went to Gaza to draw up a report. What has happened with that report? Nothing.

There has been an advisory opinion (see A/ES-10/273) of the International Court of Justice on the apartheid wall built by Israel, and no one even mentions it. The entire world acknowledges that what is happening in Gaza is a crime in the true sense of the word. What have we done? Even in resolution 1860 (2009), Israel is still above the law and beyond accountability.

We now hear talk of the West Bank as a prosperous paradise compared to Gaza, which is governed by "terrorists", as the members of Hamas are called — even though they were elected by the Palestinian people. If the Palestinians elect a militant

group, they are called terrorists. But if the Israelis elect terrorists, they are called democratic. That is not fair, because if any State tries to bring Israelis to justice for the crimes committed in Gaza, the Council seems to be trying to change the law so that criminals will not be prosecuted.

Three days ago, a photograph was published, which I am now displaying to members, and I urge them to look at it. It shows a young Palestinian tied up and blindfolded in the midst of a group of Israeli soldiers. This is a young Palestinian tied up, surrounded by Israeli soldiers, and suddenly, an Israeli soldier attacks and kills him. He was tied up and blindfolded, yet he was killed. Even worse, the occupation forces invaded his home and took these photographs inside his home.

Then, there is talk of Shalit. Is Shalit a Boy Scout? Had he gone where he was captured for a picnic, or had he gone there to kill?

There is talk of Rwanda and Burundi and the rape, murder and violence against civilians and pregnant women. What about the thousands of pregnant Palestinian women? When the Council discusses a Palestinian State, I ask it to show photographs of settlements, such as the ones I am displaying now. When the Council talks about a Palestinian State — I am also addressing the Personal Representative of the Secretary-General — where will that State be created? In a vacuum, in the air or on the ground?

Now I shall display some maps: this was Palestine in 1948; this is Palestine since 1967; these spots are all settlements. The second map shows the 1947 partition, with two States: Palestine and Israel. And after 1967, the West Bank and Gaza can be seen marked in yellow. I have a question about this map, which resembles a tiger skin. There are settlements and infrastructure throughout the area, and when Mr. Netanyahu says he is going to freeze settlement building for 10 months in a very limited number of places, I am not at all convinced. Mr. Netanyahu said, in his book "A Place Among the Nations,", published in 1996, that the West Bank belonged to Israel, and he affirmed that Israel would not leave the West Bank. Anyone can read this in his book. So there are contradictions that destroy his credibility.

Unfortunately, as far as any evaluation is concerned, we can say that we are convinced that for certain members of the Council Palestinian lives do not count and their massacre will not be punished. Yet if a single Israeli is killed by a Palestinian rocket, it is considered an unpardonable crime, while the massacre of hundreds of Palestinians, including dozens of women and children, seems to be almost a legal Israeli right. When one single Israeli soldier is taken prisoner, that is considered to be an unpardonable condemnable crime, whereas the detention of more than 11,000 Palestinians, including hundreds of women and children, seems to be considered standard procedure, both legal and not requiring mention. These are double standards. Some members have given endless speeches on human rights, and yet their true stance was revealed at the moment of truth when they voted in the General Assembly on General Assembly resolution 64/10 on war crimes and crimes against humanity committed by Israel in Gaza (see A64/PV.39). Things will become clearer in the next few months when United Nations bodies endeavour to follow up on the Goldstone report on war crimes committed by Israel in Gaza.

Sadly, I have to say, in conclusion, that this has been a bitter experience for us. We have witnessed injustice, oppression and inequity destroy truth and justice. The poor Palestinians, the Arab system and the official Arab order could not take a solid stance to face these challenges and our rights have, therefore, been wasted and our position has been weak.

Ms. Rice (United States of America): We will make our formal statement in consultations. I just want to say that, while we certainly respect any member's right to speak in the Chamber and say what they think, we think the better part of wisdom is to focus on the goal we all share, which is achieving a genuine two-State solution. A rhetorical display designed to enflame is not necessarily a constructive way to advance that goal. The United States remains fully committed to achieving a negotiated solution to the Israeli-Palestinian conflict, and we hope and expect that our colleagues on the Security Council will continue to be supportive in that endeavour.

The President (*spoke in French*): In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 11.05 a.m.